

## **Cabinet – 11 December 2013**

### **Environmental Crime Reward Scheme**

**Portfolio:** Councillor Ali - Public Health and Protection

**Related Portfolios:** None

**Service:** Regulatory Services

**Wards:** All

**Key decision:** No

**Forward plan:** No

#### **1. Summary**

- 1.1 A number of local authorities in England have introduced Environmental Crime Reward Schemes in attempts to reassure residents that they are taking action to deal with Environmental Crime. The schemes' other main aim is to overcome the difficulties encountered in securing convictions, by encouraging witnesses to provide evidence and testify against those committing environmental crimes.
- 1.2 This proposed scheme was presented to the Safer Walsall Partnership Board meeting on 10 September and received its full support. The Partnership Board asked that a report be presented to Cabinet recommending that the scheme be adopted on a six month trial.
- 1.3 The report outlines a proposed six month trial in respect of offering a £100 reward to the public for information leading to the successful prosecution of fly tipping and other environmental crimes, funded by income from fixed penalty notices served through environmental enforcement actions.
- 1.4 Following consideration at Cabinet, the scheme can be publicised in the press and on the council's website together with social media with immediate effect. It is suggested that the project be promoted until the end of June 2014 when its effectiveness will be reported back to the Safer Walsall Partnership Board.

#### **2. Recommendation**

That the Environmental Crime Reward Scheme be adopted for a six month trial.

### **3. Report detail**

- 3.1** At the end of 2012/13 Cabinet received its first annual Environmental Enforcement Report. This was well received by members detailing a wide range of enforcement activity from litter patrols to fly tipping prosecutions, anti fouling campaigns to noise nuisance investigations. The services detailed in that report strive to improve on performance and are keen to show year on year improvement in the outcome of the work they undertake. One of the barriers experienced by the service in securing successful prosecution cases is the lack of admissible evidence to prove an offence has been committed. This scheme is intended to assist with that difficulty.
- 3.2** The implementation of this reward scheme should encourage members of the public or traders who witness fly tipping incidents to take details that can be used in evidence and report the matter to the enforcement team. It is hoped that the publication of this new scheme will have the effect of deterring potential fly tippers from conducting their illegal activities in our borough.
- 3.3** During 2012/13 there were 464 incidents of fly tipping reported to Environmental Health by members of the public and others. This indicates that the public are keen to assist the Authority in its efforts to tackle this problem. The publicity surrounding the scheme will also include basic information that members of the public need to report, so that a successful prosecution may be pursued.
- 3.4** Several authorities have introduced such schemes in the past with varying levels of success. It is evident that the viability of any scheme is dependent on the availability of a budget/funding to support its implementation. In the current financial climate and taking into account income received from Fixed Penalties issued in Walsall, the schemes operated by some Councils that amounted to £500 do not appear to be sustainable financially, unless specific budgetary provision were made.
- 3.5** A seemingly more sustainable option would be the scheme adopted by Cannock Chase Council offering a single payment or 'reward' of £100 to the public for information leading to the successful prosecution of fly tipper. This type of scheme has the added benefit that it only rewards success in Court and is more likely to promote a more positive response from the press.
- 3.6** Before the implementation of its reward scheme, Cannock Chase Council conducted a three month trial. The Safer Walsall Partnership Board has suggested this approach be adopted in Walsall with a six month time scale to establish its effectiveness.

### **4. Council priorities**

This scheme supports the shared vision for Walsall i.e. that "Walsall is a great place to live, learn, work and Invest" and in particular by deterring fly tipping it creates a safe, sustainable and inclusive communities by reducing levels of crime and providing the right environment for people to live in.

## **5. Risk management**

None arising from this report.

## **6. Financial implications**

The scheme will be funded from within existing resources, including the income from fixed penalty notices.

## **7. Legal implications**

**7.1** The legal implications of a Reward Scheme that need to be considered include:

- The view of the courts to evidence provided by paid witnesses
- The effect of the Regulatory and Investigatory Powers Act on evidence obtained by such witnesses
- The age of persons providing such evidence
- Whether the Council would be able to act upon anonymous information

**7.2** Fly tipping is an offence under the Environmental Protection Act 1990, which can result in the perpetrator being fined up to £50,000 and/or imprisoned for up to 12 months. A successful prosecution by the Council can only be achieved if sufficient evidence exists and there is a realistic prospect of a conviction.

**7.3** Whilst the Reward Scheme may encourage more members of the public to come forward and report incidents of fly tipping, clearly the reward of £100 being offered will only apply to those cases which result in a successful prosecution being obtained.

**7.4** The Council does have the power to expend resources where it considers it would promote the well-being of the inhabitants of the area. This power is contained in S.2 Local Government Act 2000, which provides (inter-alia) that local authorities can do anything which they consider might achieve the promotion or improvement of the environmental well-being of their area.

## **8. Property implications**

None arising from this report.

## **9. Health and wellbeing implications**

This scheme to reduce fly tipping supports the Health and Wellbeing Strategy in “Creating and developing healthy and sustainable places and communities” and in particular to - promote sustainable development, provide land for the uses and facilities we need by making the best use of existing infrastructure, maximising accessibility and social inclusion, protecting green spaces and the environment and helping to minimise exposure to pollution.

**10. Staffing implications**

None arising from this report.

**11. Equality implications**

None arising from this report.

**12. Consultation**

The scheme has been considered and approved by the Safer Walsall Partnership Board.

**Background papers**

None

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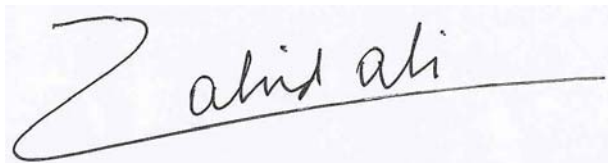
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2 December 2013

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2 December 2013